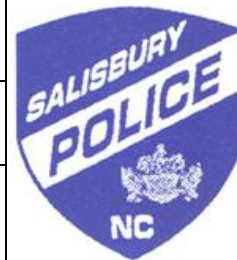


# SALISBURY POLICE DEPARTMENT

Personnel Policy 0501	Issued by: J.P. Stokes, Chief of Police	No. of Pages: 11
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## I. PURPOSE

To establish a procedure for addressing employee misconduct in a uniform manner, to provide the public with a fair and effective avenue for complaints against Salisbury Police Department or its employees, to protect the department and employees from false allegations, and to ensure that accused employees are treated with procedural objectivity and impartiality.

## II. POLICY

- A. All employees of the Salisbury Police Department will maintain professional standards in their conduct on and off duty and observe all policies and procedures in carrying out their responsibilities.
- B. Salisbury Police Department has the responsibility to identify and address employee behavior that discredits the department or impairs its effective operation. Rights of the employee and the public must be preserved, and any investigation or hearing arising from a complaint will be conducted in a fair and timely manner with truth as its primary objective.
- C. All Investigations, hearings, and any corrective actions will be made in a fair and procedurally just manner.

## III. DEFINITIONS

- A. **Administrative Investigation** – an investigation of a concern or complaint made against a police department employee by a Salisbury Police Department employee or by someone who wishes to remain anonymous.
- B. **Blue Team** – a secure software application where incidents are documented, updated, maintained and stored. Any Salisbury Police employee can make a Blue Team entry. Access to Blue Team entries is limited to supervisory and command personnel.
- C. **Citizen Complaint Investigation** – an investigation of a concern by an identified person, other than a Salisbury Police Department employee, asserted against a Department employee.
- D. **Inquiry** – a preliminary review or examination that does not rise to the level of a formal

complaint investigation but could assist in determining the need for an Internal Investigation. This may be due to a lack of information such as details of an occurrence (hearsay information), names, and dates and times, etc. Investigation or follow-up on an Inquiry may be made before a determination to continue. The decision on responsibility for follow-up on the Inquiry may depend on the seriousness of that incident and will be made by the Professional Compliance Administrator or Manager. If during a follow-up to an Inquiry enough information is obtained to justify an Internal Investigation then the Inquiry would be marked completed and linked to a new Blue Team entry that registers the specific allegations.

- E. **I/A Pro** – a limited access secure software database where the information entered in from Blue Team is maintained.
- F. **Infraction Matrix** – a comprehensive list of common sense infractions, defining level of review and administration of corrective action and providing a supervisory guideline for disciplinary action. The authority to issue corrective actions, up to and including termination, is not limited by the matrix and is only intended to provide a general guideline. The Salisbury Police Department may deviate from the matrix in categorizing infractions or issuing corrective actions based on needs of the department.
- G. **Internal Investigation** – include Administrative Investigations and Citizen Complaint Investigations regarding employee behavior and can be used as a basis for discipline.
- H. **Professional Compliance Administrator** – The captain commanding the Internal Affairs function of the police department.
- I. **Professional Compliance Manager** – The corporal assigned to oversee the Internal Affairs function of the police department.

#### IV. PROCEDURES

- A. The primary objective of corrective action of employees is to address misbehavior or to help the employees achieve satisfactory performance as well as commend employees for exceptional performance. Although serious misconduct or the inability to satisfactorily perform work duties may result in any one of several corrective actions up to and including termination, discipline is generally designed to be progressive, typically proceeding from record of discussion(s) to written warning(s), to unpaid suspension(s), to termination of employment. The Salisbury Police Department maintains the sole discretion to deviate from or modify the progressive discipline process as circumstances warrant.
  - 1. The immediate supervisor has the primary responsibility for evaluating employee conduct and performance, counseling, and coaching employees.
  - 2. Determining appropriate corrective action is based on, but not limited by, a guideline as outlined in Addendum A, *Infraction Matrix*.
  - 3. The Human Resource Director is available to advise and assist supervisors as requested or as needed.
  - 4. Investigations of employee misconduct are handled in accordance with Personnel Policy 0506, *Internal Investigation Procedure*.

## B. Remedial or Corrective Training

1. Supervisors are encouraged to utilize training and coaching as a means of improving the productivity and effectiveness of their subordinates. When it is determined that poor performance or the violation of a procedure by an employee is the result of inadequate training or work skills, the supervisor is to ensure that requisite training or coaching is provided.
2. Examples of performance that may require additional training are:
  - a. Failure to conform to operational procedures as a result of unfamiliarity with any policy or procedure;
  - b. Failure to qualify with issued firearms;
  - c. Poor quality investigative skills.
3. In instances such as these, the Department and the employee are better served with additional training rather than the more traditional corrective action methods.
4. Training and coaching that is intended to improve an employee's work habits or performance noted above, as opposed to career development related training opportunities, shall be entered in Blue Team as supervisory notes.

## C. Corrective Action Steps

When additional training is not sufficient or appropriate, more severe discipline is required. Subordinate to the provisions of the City of Salisbury Employee Handbook, the following penalties, or any combination thereof, may be assessed against employees of the Department as corrective action:

1. Record of Discussion – verbal discussion and warning to an employee that a situation exists which requires immediate correction or improvement in job performance, with stronger corrective action necessary and forthcoming if the situation is not adequately corrected. The supervisor will conduct a counseling session to discuss the incident or performance in question. Such counseling should call to the employee's attention any deficiency in performance or improper action and should suggest or detail corrective measures. These discussions will outline a plan for correcting the employee's behavior, and, as appropriate, contain notice that stronger corrective action shall be forthcoming if the action is repeated or the situation is not corrected. A written record of the discussion will be made for documentation and referral purposes.
2. Written Warning or Reprimand – written notice to an employee that a situation exists in which a violation of a rule or policy has occurred, and stronger corrective action shall be forthcoming if the action is repeated or the situation is not corrected.
3. Punitive Transfer – a transfer of an employee from one workgroup to another because of improper employee behavior or work habits.

4. Unpaid Suspension – temporary relief from duty without pay due to misconduct.
5. Demotion – reduction in rank or classification.
6. Dismissal – termination of employment.
7. Administrative Leave – Administrative Leave is not considered a disciplinary action, it may be used when it is in the best interest of the employee or Department to remove the employee temporarily from the work force as an interim step taken when time is needed prior to taking action or to complete an investigation into serious misconduct that if found to be true could significantly jeopardize an employee's employment status.

#### D. Infraction Matrix

1. Addendum A, *Infraction Matrix*, to this policy provides supervisors a guideline for determining seriousness and corrective action options available for addressing employee misconduct.
2. While the matrix is not a comprehensive listing, it is intended to provide support and assist with identifying what level of authority should review and recommend or have final determination of the appropriate corrective action in a disciplinary matter.
3. The Salisbury Police Department is not limited in any level of corrective action by the matrix and may deviate from the stated guidelines in a particular disciplinary matter, up to and including termination.

#### E. Level of Authority for Corrective Action Measures

Supervisors and the Department chain of command are responsible for evaluating employee conduct and performance, counseling and coaching employees, and determining appropriate corrective action. Counseling and coaching employees should be an ongoing process. At any level of discipline, supervisors should provide counseling to the employee. Final authority and responsibility for disciplinary matters rests with the Chief of Police. To ensure efficiency in the administration of corrective actions, the following may be delegated:

1. Supervisors, including Sergeants and Lieutenants, have authority to take corrective action, as follows.
  - a. Record of Discussion (verbal warning);
  - b. Written Warning;
  - c. Relief from duty of an employee until the next business day when it appears that such action is in the best interest of the Department; and
  - d. Review Internal Investigations and provide a written recommendation for corrective action at a higher level of authority.

2. Captains have authority to take corrective action, as follows.
  - a. All corrective measures delegated to supervisory personnel;
  - b. Punitive transfer; and
  - c. Review Internal Investigations and provide a written recommendation for corrective action at a higher level of authority.
3. Deputy Chief of Police has authority to take corrective action, as follows.
  - a. All corrective measures delegated to Captains;
  - b. Unpaid suspension of any duration;
  - c. Demotion; and
  - d. Review Internal Investigations and provide a written recommendation for corrective action at a higher level of authority.
5. Chief of Police has the final authority on all disciplinary matters, and may employ:
  - a. All corrective measures delegated to the Deputy Chief; and
  - b. Reserves the final authority in matters of termination of employment.

Master Police Officers, Corporals, and supervisors of any rank serving as acting role are delegated authority to take corrective action commensurate with the position they are performing.

#### F. Chain of Command Review

1. In matters defined as a Category A Violation in the Infraction Matrix, the employee's supervisor may issue a corrective action upon determining facts support taking the action and a formal Internal Investigation is not necessary. Commonly this should be done when the misconduct comes to the attention of the supervisor. In all cases, corrective action should be taken within five days after the supervisor learns of the matter and completes any follow up necessary to determine all relevant facts. Generally, no further chain of command review is necessary to issue corrective actions in these matters.
2. In matters defined as a Category B or C Violation in the Infraction Matrix, the employee's supervisor will forward a memorandum outlining the facts and details of the misconduct to the Professional Compliance Manager for a review of completeness. The memorandum should then be forwarded to the employee's next level of authority for chain of command review when the Professional Compliance Manager determines all details are present in the documenting memorandum.
3. When the matter involves an Internal Investigation, no matter the Category Violation, the Professional Compliance Administrator or designee should, upon determining an Internal Investigation is complete, assign the case for review by the employee's chain of command.

4. Reviewing supervisors at any level may request additional follow up of the Professional Compliance Administrator.
5. Chain of command review should be completed within 10 business days of submittal by the Professional Compliance Administrator or Manager or submission of any follow up information.
6. If the recommended action requires a review hearing the employee should be notified in writing of the recommended corrective action and details of the review hearing as defined in section IV(J) of this policy upon completion of the chain of command review.

#### G. Emergency Corrective Action

Supervisors may take immediate or emergency corrective action of any employee not directly under their command when the improper conduct is of such nature that prompt action is warranted. Corrective action under this provision is limited to record of discussion, written warning or emergency relief from duty until the next business day. In such cases, the employee's immediate supervisor will be notified as soon as practical.

#### H. Relief from Duty

1. Department personnel may be relieved from duty as an emergency action or when in the best interest of an individual employee at the time of the incident. Conditions warranting such relief from duty include, but are not limited to, the following:
  - a. intoxication from or consumption of alcohol or drugs;
  - b. use of force;
  - c. insubordination;
  - d. any actions or circumstances that establish reasonable cause to question an employee's fitness for duty.
2. When any supervisor orders an employee of the Department relieved from duty, the supervisor shall immediately, through the chain-of-command, notify the Chief of Police.
3. The Chief of Police shall retain the authority to relieve from duty and place the employee on Administrative Leave in accordance with the City Employee Handbook, for conditions other than those necessitated by emergency circumstances.

#### I. Report of Corrective Action Taken or Recommended

When corrective action is taken, a written report should be submitted through the chain of command to the Chief of Police containing the following information:

1. Identifying the employee being disciplined;

2. The date, time, and location of the misconduct or the period of time during which unsatisfactory job performance occurred;
3. The Rule of Conduct, order, policy, law or directive violated or the commonly used term for the infraction;
4. A summary of the facts of the misconduct or unsatisfactory job performance;
5. Any previous corrective action for violation of any rules of conduct, order, policy, law or directive, of either similar or different violations;
6. The corrective action imposed or recommended; and
7. Identifying the preparing supervisor or commander.

J. Review Hearing

1. A Review Hearing is required when the recommended corrective action is an unpaid suspension of any duration, demotion, or termination
2. A Review Hearing may be convened in cases of other corrective recommendations should the Captain of the employee deem it necessary or prudent.
3. The hearing should be held not less than 5, but no more than 10 business days upon completion of the chain of command review and the employee is notified of the recommended corrective action in writing so as to provide the employee an opportunity to prepare for the hearing.
4. The time period may be shortened or extended by agreement of the employee and Deputy Chief or if the Deputy Chief, in his or her sole discretion, requires additional time to prepare for the hearing based on the facts of the particular case. Any changes and reason for the change to the time period will be documented in a memorandum to the employee.
5. The Deputy Chief will serve as the hearing officer and will manage the hearing protocol and process. The Deputy Chief may delegate the hearing as necessary.
6. The hearing is the employee's opportunity to be heard before corrective action is finalized and the hearing officer's opportunity to consider any additional information the employee feels is relevant before determining a corrective action.
7. The employee will be required to attend the hearing and may provide a statement, written and/or verbally, to the Deputy Chief for consideration in the matter.
8. The employee is free to consult with counsel (at the employee's expense) prior to and after the hearing; however, the employee will not be permitted to have legal counsel during the hearing, nor will the employee be permitted to have another person accompany the employee during the hearing..
9. The hearing is not intended to be adversarial and witnesses will generally not be called to participate, testify, or provide a statement beyond those appropriate for the Internal Investigation.
10. As a component of the Internal Investigation or disciplinary process, employees are required to make truthful statements without intentional omissions, respond to questions, and fully cooperate during the hearing.

11. The Deputy Chief may request the Professional Compliance Administrator conduct additional follow up to the Internal Investigation if the Deputy Chief deems necessary before determining an appropriate corrective action recommendation.
12. The Deputy Chief will provide his or her determination of corrective action to be taken to the employee's Captain and Chief of Police within seven (7) business days of completing the hearing or when follow up information is submitted.
13. In cases when dismissal is determined to be the corrective action, the Deputy Chief will review the information and recommend the corrective actions to the Chief of Police.
14. The Chief of Police will review a dismissal recommendation by the Deputy Chief and either approve or reject the recommendation.
15. If the Chief of Police determines dismissal is not the appropriate corrective action, he or she will refer to case back for further consideration by the Deputy Chief or follow up by the Professional Compliance Administrator.
16. If the Chief of Police approves dismissal is the necessary corrective action the employee will be notified by the Chief of Police as outlined in K(1).

K. Information Provided Upon Dismissal

1. Should the disciplinary process result in the dismissal of an employee, the following information should be provided to that officer or employee by the Chief of Police:
  - a. Statement citing the policy or policies violated;
  - b. The effective date of dismissal;
  - c. Statement regarding the status of any employment benefits after dismissal;
  - d. The employee's rights regarding City and Department grievance procedure.

L. Distribution of Corrective Action Reports and Records

1. Reports and records of all corrective action taken or recommended are to be distributed to the:
  - a. Involved Employee's chain of command
  - b. Professional Compliance Manager
  - c. Chief of Police
  - d. City Human Resources Director

M. Endorsement and Forwarding of Corrective Action Reports

1. Each level of the chain-of-command is to endorse and forward reports of corrective action matters. Such endorsement may be one of agreement,



disagreement, or modification. No officer or employee is to alter or withdraw, or cause to be altered or withdrawn, any corrective action report.

2. Corrective action reports in transit through the chain-of-command are not to be delayed, but are to be reviewed, endorsed and forwarded as soon as possible.
3. The supervisor issuing the discipline is responsible for distribution of the reports.

#### N. Notification of Corrective Action

A supervisor imposing corrective action is to ensure that the employee being disciplined is notified at the earliest practical time that such action is being taken. Written documentation is to be maintained that such notification has taken place.

#### O. Misconduct or Harassment Observed, Discovered or Reported to Supervisory Personnel

1. Whenever supervisory personnel observe or are informed of the misconduct of an employee which indicates the need for corrective action, the supervisor is to take authorized and necessary action to correct the employee's work behavior.
2. Managers and supervisors are responsible for affording equal opportunity to all individuals who report to them and for conducting themselves in accordance with the principles of equal opportunity set forth in the City Equal Opportunity Policy. Supervisory personnel who harass employees are considered to be acting of their own accord and not on behalf of the City of Salisbury.
3. Employees who have complaints of violations of the Equal Employment Opportunity or Harassment policies should report them to their immediate supervisor, the Chief of Police, the Human Resource Director or other person(s) identified in the City's Harassment policy. Complaints will be received, investigated and resolved promptly. Complaints will be handled confidentially to the fullest extent possible and without intimidation or retaliation against employees exercising their right to make good faith complaints, discrimination, harassment, or retaliation.

#### P. Grievance Procedure

The Chief of Police is responsible for the maintenance of discipline and the effective management of the Department. The provisions of this policy are designed to provide a systematic and equitable approach to the resolution of employee behavior. In the event that any officer or employee feels that treatment received or discipline levied is unfair or unjust, he/she may initiate the grievance procedure as set forth by *Personnel Policy 0507*.

## Salisbury Police Department Personnel Policy 0501 – Addendum A – Infraction Matrix

Category A Violation	Category B Violation	Category C Violation	Category D Violation	Category E Violation
Discipline Range	Discipline Range	Discipline Range	Discipline Range	Discipline Range
Counseling	Record of Discussion	Written Reprimand	Suspension 5 to 10 days	Dismissal
Record of Discussion	Written Reprimand	Suspension 1 to 10 days	Demotion	
Written Reprimand	Suspension 1 to 5 days	Demotion		
More than 3 A or higher Violations within the last 2 years = B Violation	More than 3 B or higher Violations within the last 3 years = C Violation	More than 2 C or higher Violations within the last 3 years = D Violation	More than 2 D Violations within the last 5 years = E Violation	
More than 4 A or higher Violations within the last 2 years = C Violation	More than 4 B or higher Violations within the last 3 years = D Violation	More than 3 C or higher Violations within the last 3 years = E Violation	More than 1 D and 2 other lesser category violations within the last 3 years = E violation	
2 aggravating factors = B Violation	2 aggravating factors = C Violation	1 aggravating factor = D Violation	1 aggravating factor = E Violation	
3 or more aggravating factors = C Violation	3 or more aggravating factors = D Violation	2 or more aggravating factors = E Violation	1 or more aggravating factors = E Violation	
Tardy to work	Crash under \$10K damage with law violation	Crash over \$10K damage or injury w/ law violation	Criminal law violation w/ no charges placed	Dishonesty
Rudeness or Discourtesy	Rudeness or Discourtesy w/ cursing	Loss or damage to PD/city property with malice	Interference w/ a criminal investigation	Biased policing
Crash under \$10K damage and no law violation	Safety violation w/ injury	Intentional failure to use BWC	Unauthorized release of information	Malicious excessive force
Safety violation with no injury	Away from work assignment	Excessive force w/ no injury	Unauthorized access to information	Criminal law violation w/ charges placed – gross misd or felony
Damage or loss of PD/City property w/o malice	Unnecessary force w/no injury	Unnecessary force w/ injury	Misuse of information	Failure to cooperate in an administrative investigation
Failure to use BWC	Mishandling evidence	Conduct unbecoming	Excessive force w/ injury	Retaliation for report of misconduct
Failure to adhere to duty/instructions	Misuse of office	Lesser Violation of LE Code of Ethics	Serious Violation of LE Code of Ethics	Conduct unbecoming
Failure to follow an order	Failure to take appropriate action	Reckless vehicle operation w/ no crash	Possess duty weapon while consuming alcohol off duty	Egregious Violation of LE Code of Ethics
Unintentional search and seizure violation	Failure to keep valuables secure	Law infraction violation w/ charges placed	Failure to report use of force	Operate police vehicle while/after consuming alcohol
Use tobacco in public/in police vehicle/in city buildings	Law infraction violation w/ no charges placed	Mishandle evidence so to compromise case	Misuse of police power	Consume drugs or alcohol on duty
Failure to meet grooming standards	Failure to ensure prisoner safety w/o injury	Failure to ensure prisoner safety w/ injury	Intentional search and seizure violation	Personal gain from misuse or access of information
Failure to meet assignment deadline	Neglect of duty	Accept gratuity under \$10	Criminal law violation w/ charges placed – minor misd	Create hostile work environment
Minor traffic infraction complaint such as speeding, stop light violation, etc.(no crash)	Misuse of equipment	Referral to tow company, bondsman, or other business	Inappropriate language toward protected class	Quid pro quo sexual harassment
	Issue supervisory order in violation of policy w/o cause		Accepting gratuity over \$10	Sexual activity on duty
			Failure to report misconduct	Accepting a bribe
			Issue unethical supervisory order	Violate drug-free workplace policy
			insubordination	Theft

Aggravating Factors	Mitigating Factors
Last EPR score of 1.2 or less.	Last EPR score of 2.3 or higher.
Likelihood of a repeat violation	Unlikely to repeat violation
Failure to accept responsibility	Accepting of responsibility
Failure to respond to remedial training or supervisory intervention	Past acceptance of remedial training or supervisory intervention
Higher rank in organization	Lower rank in organization
Higher responsibility in organization	Lower responsibility in organization
Failure to contribute regularly to the organization's mission	Regularly contributing in workgroup and to organization's mission
History of disciplinary matters	Lack of past discipline
Sensitive position assignment causing a danger to investigations/information	
Policy making position	
Incident with public notoriety	
Intentional violation	
Malicious violation	
Violation has an effect on the rights of others	
Reckless disregard	
Negligent action	
Action creates court testimony credibility issue	